

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHAWNAE PETERSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GRACE PETERSON,

Respondent-Appellant.

UNPUBLISHED

December 12, 2006

No. 270839

Cheboygan Circuit Court

Family Division

LC No. 92-004358-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's sole issue on appeal is that the trial court erred in finding that termination of her parental rights was not clearly contrary to the child's best interests. Once a statutory ground for termination by clear and convincing evidence has been established, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357. A finding is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Regard is given to the special ability of the trial court to judge the credibility of the witnesses who appeared before it. *Id.*

The evidence showed that respondent was able to provide for Shawnae's basic needs, that the two were bonded, and that no evidence proved that Shawnae had been physically or sexually harmed while in respondent's care. However, the evidence also showed that respondent had allowed contact between Shawnae and two men with histories of criminal sexual conduct, and had lied about avoiding those men. Instead, respondent had intentionally resumed contact with them.

Although physical examination did not show that Shawnae had been harmed, the evidence did establish respondent's disregard for Shawnae's safety and best interests. Shawnae was very vulnerable to sexual predators due to her limitations. Respondent demonstrated that despite several proceedings, participation in numerous services and loss of her parental rights to another child, she had not become able to proactively protect her child. Shawnae had been the subject of protective services proceedings for much of her life and needed stability. The record did not establish a firm and definite conviction that the trial court was mistaken in finding that termination of respondent's parental rights was not clearly contrary to Shawnae's best interests.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly